

Sec. 13-764. Communication towers and antennas.

(a) Purpose and intent.

(1) Purpose. Communication towers and antennas are permissible as permitted or special land uses where indicated by use 5.800 on Table 13-362A. In addition to the other provisions of this chapter, it is the purpose of this section to direct the location, design and construction of communication antenna and towers in Sumter County so as to protect neighboring land uses from potential adverse impacts, such as, but not necessarily limited to, visual and aesthetic impacts, and tower failure. All new communication antenna and towers shall be subject to this section and other provisions of this Code. In the event of any conflict between other land development regulations and this section, the provisions of this section shall prevail, unless otherwise specified.

(2) Intent. It is the intent of this section to provide standards necessary to accomplish the purposes specified herein in a manner which will assure the least possible adverse impact to the community, while maintaining the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

(b) Communication towers.

(1) New towers.

a. Co-location. The necessity for a new tower site must be documented by the applicant prior to approval.

1. The following shall be demonstrated by an engineer, with appropriate technical material:

a) No existing or approved tower/structure is in the geographic location area that meets applicant's engineering requirements, or

b) Existing or approved towers/structures do not meet structural requirements, including height, and cannot be reinforced or heightened to accommodate planned equipment at reasonable cost, or

- c) Proposed antenna equipment would cause electromagnetic interference with other existing or planned equipment for that tower/structure, and the interference cannot be prevented at a reasonable cost, or
 - d) There exists other technical reasons that make the costs of co-location or adaptation unreasonable.
2. If it cannot be demonstrated by the applicant that an existing tower/structure site in the required geographic area is technically inadequate, the applicant shall inquire of the owners of such existing or approved tower/structure sites as to i) the ability of said tower/structure to accommodate the applicants proposed equipment, and ii) when a tower/structure has the ability, the owner's willingness to allow such use. Such responses shall be provided by the tower/structure owners, on their letterhead, and submitted by the applicant. The responses shall address the following:
- a) Proposed equipment would or would not exceed the structural capacity of an existing or approved tower/structure, considering existing and planned use, and existing or approved towers can or cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
 - b) Proposed equipment will or will not cause RF interference with other existing or planned equipment for that tower/structure, and the interference can or cannot be prevented at reasonable cost.
 - c) Existing or approved towers/structures do or do not have space on which proposed equipment can be placed so it can function effectively and at least in parity with other similar equipment in place.

- d) Other reasons that would make it impracticable to place the proposed equipment on existing or approved towers/structures.
 - e) In conclusion, the responses shall indicate approval or disapproval by the tower/structure owner.
- 3. Decisions requiring co-location shall only be made if it is determined that such action is feasible, practical and economical.
- b. Tower separation. No single-user tower more than two hundred (200) feet in height shall be located within one-half (1/2) mile of another existing or approved single-user tower over two hundred (200) feet in height.
- c. Tower siting.
 - 1. The tower owner shall own or control, at time of permitting and thereafter, the parcel of land upon which the tower is located. The parcel required shall be of sufficient size and dimensions to contain all tower related structures and provide the required setbacks to the boundaries of the parcel owned or controlled by the operator.
 - 2. Setbacks for towers and related structures shall be as follows:
 - a) The center of the tower's base shall be located a minimum distance equal to one-half (1/2) of the tower's height from the parcel boundaries.
 - b) In addition to the above, all tower related structures shall meet the setback requirements for the applicable land use zone.
 - c) Notwithstanding the above, ham radio mast/antenna, not exceeding seventy-five (75) feet in height, shall only be required to meet the setback requirements for a principal structure in the applicable land use zone.

- d. Structural design. All towers and related facilities shall meet the design criteria, as applicable, specified below. Plans and specifications for each tower shall be signed and sealed by an engineer, certifying that the design is in accordance with the same.
1. Each tower shall be designed so that, in the event of collapse, it will fall entirely within the parcel upon which it is located.
 2. Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) standards.
 3. Current edition of the EIZ/TIA 222-E Standards "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures", published by the Electronic Industries Association.
 4. Sumter County construction/building codes, as amended.

e. Construction.

1. Engineer seal. Upon completion of construction and prior to issuance of a certificate of occupancy, the applicant shall provide the county with an engineer's certification that the tower was properly inspected and constructed in substantial compliance with the approved design and specifications.
2. Color. Towers not requiring FAA painting/marketing shall have either a galvanized finish or painted a noncontrasting dull blue, gray, or black finish.
3. Lighting. Communication towers shall not be lighted except when required by the FAA. When required, lighting shall be with the least obtrusive lighting scheme then available and approved by FAA and FCC. When residential property is located within a distance of one-half (1/2) mile of the tower, dual mode lighting, or medium intensity strobe lighting with nighttime option, shall be used when approved by FAA.

4. Signage. Towers shall not be used for the purpose of displaying signs, other than that required for human safety or required by law.
5. Fencing. A chain link fence, or wall, not less than six (6) feet in height shall be provided around the base of each tower whose height exceeds seventy-five (75) feet. Barbed wire shall be installed along the top of the fence or wall and access to the tower shall only be through a locked gate. At its discretion, the authority may approve other means of restricting access to the tower.
6. Landscaping. When within one-thousand (1,000) feet of nonagricultural property or public road right-of-way, Type B screening shall be provided, either around each tower base or at other locations on the parcel which achieve equivalent screening for nonagricultural property or public road right-of-way.
7. All tower related structures should be of a neutral color compatible with the surrounding area.

(2) Existing towers.

- a. Tower modification/reconstruction. An existing communication tower may be modified or reconstructed to accommodate the co-location of additional communication antenna as a permitted use provided it has not been modified/reconstructed previously and the following is observed:
 1. Modification.
 - a) The tower type shall remain the same.
 - b) The tower height is not increased more than twenty-five (25) feet.
 - c) The tower's premodification height shall continue to be used for purposes of tower separation and setbacks.
 2. Reconstruction:

- a) The tower may be moved onsite provided such movement does not increase any nonconforming setback by more than fifty (50) feet.
- b) The reconstructed tower height may be increased up to twenty-five (25) feet.
- c) After a tower is reconstructed, it shall be the only tower to remain onsite unless approved otherwise.
- d) The tower's pre-reconstruction location and height shall continue to be used for purposes of tower separation and setbacks.

3. Modification/reconstruction exceeding the above limits shall be approved as a new tower, except that the co-location evaluation need not be addressed.

- (3) Tower removal. In the event the use of any communication tower has been discontinued for a period of one (1) year, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the director who shall have the right to request documentation and/or affidavits from the tower owner/operator regarding the issue of tower usage. Upon notice of such abandonment by the director, the owner/operator of the tower shall have an additional one (1) year to i) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or ii) dismantle and remove the tower. At the earlier of one (1) year from the date of notice of abandonment without reactivation or upon completion of dismantling and removal, whichever occurs first, any permitted or special use approval shall automatically expire.

(c) *Communication antennas.*

- (1) Antenna shall comply with all applicable FCC regulations.
- (2) Communication antenna may be attached to any structure that is designed and constructed, in accordance with applicable building codes, to accommodate said antenna. Communication towers, commercial/industrial/multi-family buildings,

water towers and power line poles/towers are some examples of antenna locations.

- (3) Co-location. Co-location of communication antennas by more than one (1) carrier on existing or proposed communication towers or other structures shall take precedent over the construction of new single-use towers, as provided in subsection (b)(2)a. Such co-location will be allowed as an exempt or minor permitted use.

- (d) *Nonconforming situations.*

All communication antenna and towers existing or approved on January 1, 1997, shall be allowed to continue to be used as they presently exist or to be constructed as presently approved. Routine maintenance or minor modifications to accommodate the co-location of additional antenna shall be permitted in accordance with other provisions of this section.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 97-9, § 9, 4-22-97)

Secs. 13-765--13-770. Reserved.